

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN THE MATTER OF THE COMPLAINT	§	
OF THE TUG JB BLOOMER, LLC,	§	
SAN JACINTO RIVER FLEET, LLC AND	§	
CHERYL K, LLC AS OWNER AND	§	
OWNERS PRO HAC VICE	§	
OF THE TUG JB BLOOMER AND	§	CASE NO.: 4:20-cv-965
THE TUG CHERYL K, LLC,	§	
SAN JACINTO RIVER FLEET, LLC AND	§	
CHERYL K, LLC AS OWNER AND	§	
OWNERS PRO HAC VICE	§	
OF THE TUG CHERYL K	§	
FOR EXONERATION FROM OR	§	
LIMITATION LIABILITY	§	

CLAIM AND ANSWER BY 274 CLAIMANTS

Pursuant to Rule F(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, 274 Claimants (also referred to as Plaintiffs and describe in detail below) file this *Claim and Answer* in response to the *Verified Complaint for Exoneration From or Limitation of Liability* filed by Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC, and show:

I.

243 Claimants – Group 1

Before Petitioners filed this action, the following 243 Claimants sued Petitioner San Jacinto River Fleet, LLC in No. 2020-10015 pending in the 270th Judicial District Court of Harris County, Texas, and—if allowed by this Court—they intend to amend the state-court petition (see *Plaintiffs' Amended Original Petition* attached as exhibit A) to include as an additional Defendant, Petitioner Cheryl K, LLC:

1. Plaintiff, Phillip Abbott, an individual, resides at 1023 Marigold Rd, Baytown, Texas 77521.
2. Plaintiff, Jennifer Allen, an individual, resides at 826 Paradise Rd, Baytown, Texas 77521.
3. Plaintiff, Mark Allen, an individual, resides at 826 Paradise Rd, Baytown, Texas 77521.
4. Plaintiff, Waleed Al-khayat, an individual, resides at 7007 Hazelnut Ln, Baytown, Texas 77521.
5. Plaintiff, Jose Alonso, an individual, resides at 979 Marigold Rd, Baytown, Texas 77521.
6. Plaintiff, Lucero Aguilar, an individual, resides at 826 Rose Meadow Blvd, Baytown, Texas 77521.
7. Plaintiff, Vincent Aguirre, an individual, resides at 1411 Rosebay Rd, Baytown, Texas 77521.
8. Plaintiff, Brandan Babin, an individual, resides at 7023 Jacktree Ln, Baytown, Texas 77521.
9. Plaintiff, Alexander Barajas, an individual, resides at 810 Amaryllis Rd, Baytown, Texas 77521.
10. Plaintiff, Irma Barajas, an individual, resides at 810 Amaryllis Rd, Baytown, Texas 77521.
11. Plaintiff, Billy Barrett, an individual, resides at 6914 Wolfberry Ln, Baytown, Texas 77521.
12. Plaintiff, Jaida Sha Barrett, an individual, resides at 6914 Wolfberry Ln, Baytown, Texas 77521.
13. Plaintiff, Steven Bawa, an individual, resides at 1114 Starflower Ln, Baytown, Texas 77521.
14. Plaintiff, Chaney Bawa, an individual, resides at 1114 Starflower Ln, Baytown, Texas 77521.
15. Plaintiff, Angela Beasley, an individual, resides at 922 Paradise Rd, Baytown, Texas 77521.
16. Plaintiff, Joshua D. Beasley, an individual, resides at 922 Paradise Rd, Baytown, Texas 77521.

17. Plaintiff, Khaliq Beauchamp, an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
18. Plaintiff, Khal'cian Beauchamp, an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
19. Plaintiff, Khelan Beauchamp, an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
20. Plaintiff, Khe'shawn Beauchamp, an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
21. Plaintiff, Adam Bernal, an individual, resides at 6914 Hazelnut Ln, Baytown, Texas 77521.
22. Plaintiff, Kimberly Bernal, an individual, resides at 6914 Hazelnut Ln, Baytown, Texas 77521.
23. Plaintiff, Justin Ryan Bilbo, an individual, resides at 6923 Hazelnut Ln, Baytown, Texas 77521.
24. Plaintiff, Latonya Bilbo, an individual, resides at 6923 Hazelnut Ln, Baytown, Texas 77521.
25. Plaintiff, Javier I. Boiso, an individual, resides at 1007 Amaryllis Rd, Baytown, Texas 77521.
26. Plaintiff, Janica Bradford, an individual, resides at 1118 Starflower Ln, Baytown, Texas 77521.
27. Plaintiff, Richard Brumfield, an individual, resides at 927 Paradise Rd, Baytown, Texas 77521.
28. Plaintiff, Julie Brumfield, an individual, resides at 927 Paradise Rd, Baytown, Texas 77521.
29. Plaintiff, Christina Brooks, an individual, resides at 7122 Dahlia Rd, Baytown, Texas 77521.
30. Plaintiff, Trevaughn Brown, an individual, resides at 7122 Dahlia Rd, Baytown, Texas 77521.
31. Plaintiff, Lori S. Brown, an individual, resides at 7102 Dahlia Rd, Baytown, Texas 77521.
32. Plaintiff, Roxianna Brown, an individual, resides at 6915 Musclemwood Rd, Baytown, Texas 77521.

33. Plaintiff, Lauro Caneino, an individual, resides at 1426 Rosebay Rd, Baytown, Texas 77521.
34. Plaintiff, Maribel Caneino, an individual, resides at 1426 Rosebay Rd, Baytown, Texas 77521.
35. Plaintiff, Laura M. Cantu, an individual, resides at 1214 Rose Meadow Blvd, Baytown, Texas 77521.
36. Plaintiff, Pablo Casanova, an individual, resides at 1107 Rosebay Rd, Baytown, Texas 77521.
37. Plaintiff, Cindy Casanova, an individual, resides at 1107 Rosebay Rd, Baytown, Texas 77521.
38. Plaintiff, Diane Cardenas, an individual, resides at 6903 Scarlet Circle, Baytown, Texas 77521.
39. Plaintiff, Modesto Cardenas Jr., an individual, resides at 6903 Scarlet Circle, Baytown, Texas 77521.
40. Plaintiff, Chris Carpenter, an individual, resides at 1523 Blossom Ln, Baytown, Texas 77521.
41. Plaintiff, Maria Carver, an individual, resides at 7034 Dahlia Rd, Baytown, Texas 77521.
42. Plaintiff, Maria Castillo, an individual, resides at 7135 Acacia Ln, Baytown, Texas 77521.
43. Plaintiff, Rudy Castillo, an individual, resides at 7135 Acacia Ln, Baytown, Texas 77521.
44. Plaintiff, Cristobal Cepeda, an individual, resides at 1314 Rose Meadow Blvd, Baytown, Texas 77521.
45. Plaintiff, Yolanda Cepeda, an individual, resides at 1314 Rose Meadow Blvd, Baytown, Texas 77521.
46. Plaintiff, Rayven Chavez, an individual, resides at 6930 Dahlia Rd, Baytown, Texas 77521.
47. Plaintiff, Jamie Christie, an individual, resides at 7006 Jacktree Ln, Baytown, Texas 77521.
48. Plaintiff, Donald Christie, an individual, resides at 7006 Jacktree Ln, Baytown, Texas 77521.

49. Plaintiff, Nikole Conner, an individual, resides at 1519 Blossom Ln, Baytown, Texas 77521.
50. Plaintiff, Ashley Corbin, an individual, resides at 7035 Hazelnut Ln, Baytown, Texas 77521.
51. Plaintiff, Khiqbet Cuadra, an individual, resides at 937 Amaryllis Rd, Baytown, Texas 77521.
52. Plaintiff, Kathy Debler, an individual, resides at 926 Paradise Rd, Baytown, Texas 77521.
53. Plaintiff, Nathan Debler, an individual, resides at 926 Paradise Rd, Baytown, Texas 77521.
54. Plaintiff, Karla Dejenn, an individual, resides at 1002 Marigold Rd, Baytown, Texas 77521.
55. Plaintiff, Christopher A. De La Cerda, an individual, resides at 919 Paradise Rd, Baytown, Texas 77521.
56. Plaintiff, Sunrunna De La Cerda, an individual, resides at 919 Paradise Rd, Baytown, Texas 77521.
57. Plaintiff, Darlene Deleon, an individual, resides at 6939 Primrose Rd, Baytown, Texas 77521.
58. Plaintiff, Hermilo Deleon, an individual, resides at 6939 Primrose Rd, Baytown, Texas 77521.
59. Plaintiff, Luis Deleon, an individual, resides at 6907 Dahlia Rd, Baytown, Texas 77521.
60. Plaintiff, Tiffany DeWalt, an individual, resides at 1507 Rose Meadow Blvd, Baytown, Texas 77521.
61. Plaintiff, Ray DeWalt, an individual, resides at 1507 Rose Meadow Blvd, Baytown, Texas 77521.
62. Plaintiff, Walter Dorsey, an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
63. Plaintiff, Mary Doyal, an individual, resides at 830 Paradise Rd, Baytown, Texas 77521.
64. Plaintiff, Roland Doyal, an individual, resides at 830 Paradise Rd, Baytown, Texas 77521.

65. Plaintiff, Christopher Edwards, an individual, resides at 1510 Tulip, Baytown, Texas 77521.
66. Plaintiff, Roberto Escalante Jr., an individual, resides at 1007 Paradise Rd, Baytown, Texas 77521.
67. Plaintiff, Eduardo Estrada Jr., an individual, resides at 1023 Arnica St, Baytown, Texas 77521.
68. Plaintiff, Maricela Estrada, an individual, resides at 1023 Arnica St, Baytown, Texas 77521.
69. Plaintiff, Holly Ewing, an individual, resides at 1018 Amaryllis Rd, Baytown, Texas 77521.
70. Plaintiff, Lisa Ewing, an individual, resides at 1018 Amaryllis Rd, Baytown, Texas 77521.
71. Plaintiff, Wayne Ewing, an individual, resides at 1018 Amaryllis Rd, Baytown, Texas 77521.
72. Plaintiff, Edward Figueroa Jr., an individual, resides at 6935 Primrose Rd, Baytown, Texas 77521.
73. Plaintiff, Claudia Franco, an individual, resides at 6935 Primrose Rd, Baytown, Texas 77521.
74. Plaintiff, Susana Flores, an individual, resides at 6903 Hazelnut Ln, Baytown, Texas 77521.
75. Plaintiff, Dallas Fox, an individual, resides at 6914 Wolfberry Ln, Baytown, Texas 77521.
76. Plaintiff, Mario A. Fuentes, an individual, resides at 6931 Primrose Rd, Baytown, Texas 77521.
77. Plaintiff, Dorothy Furrer, an individual, resides at 830 Paradise Rd, Baytown, Texas 77521.
78. Plaintiff, Clement Gaitan, an individual, resides at 1019 Amaryllis Rd, Baytown, Texas 77521.
79. Plaintiff, Bianca Galvan, an individual, resides at 7002 Hazelnut Ln, Baytown, Texas 77521.
80. Plaintiff, Jermiah Galvan, an individual, resides at 7002 Hazelnut Ln, Baytown, Texas 77521.

81. Plaintiff, Onesimo Garcia Jr., an individual, resides at 1102 Starflower Ln, Baytown, Texas 77521.
82. Plaintiff, Felice Garcia, an individual, resides at 1102 Starflower Ln, Baytown, Texas 77521.
83. Plaintiff, Onesimo Garcia III, an individual, resides at 1102 Starflower Ln, Baytown, Texas 77521.
84. Plaintiff, Earline Garcia, an individual, resides at 6907 Dahlia Rd, Baytown, Texas 77521.
85. Plaintiff, Kimberly Garcia, an individual, resides at 7023 Jacktree Ln, Baytown, Texas 77521.
86. Plaintiff, Roland Garcia, an individual, resides at 7023 Jacktree Ln, Baytown, Texas 77521.
87. Plaintiff, Jesus Garcia, an individual, resides at 826 Rose Meadow Blvd, Baytown, Texas 77521.
88. Plaintiff, Naenya Garrett, an individual, resides at 7043 Hazelnut Ln, Baytown, Texas 77521.
89. Plaintiff, Kendrick Garrett, an individual, resides at 7043 Hazelnut Ln, Baytown, Texas 77521.
90. Plaintiff, Abelardo Garza, an individual, resides at 7034 Dahlia Rd, Baytown, Texas 77521.
91. Plaintiff, Edwardo Garza, an individual, resides at 7034 Dahlia Rd, Baytown, Texas 77521.
92. Plaintiff, Isabel Garza, an individual, resides at 906 Amaryllis Rd, Baytown, Texas 77521.
93. Plaintiff, Juan Garza, an individual, resides at 1214 Rose Meadow Blvd, Baytown, Texas 77521.
94. Plaintiff, Laury E. Garza, an individual, resides at 1214 Rose Meadow Blvd, Baytown, Texas 77521.
95. Plaintiff, Juan G. Garza, an individual, resides at 1214 Rose Meadow Blvd, Baytown, Texas 77521.
96. Plaintiff, Laury Elyana Garza, an individual, resides at 1214 Rose Meadow Blvd, Baytown, Texas 77521.

97. Plaintiff, Roger Garza, an individual, resides at 906 Amaryllis Rd, Baytown, Texas 77521.
98. Plaintiff, Yvonne George, an individual, resides at 1027 Arnica St, Baytown, Texas 77521.
99. Plaintiff, Victoria Gomez, an individual, resides at 1015 Arnica St, Baytown, Texas 77521.
100. Plaintiff, Nathan Gomez, an individual, resides at 7043 Musclewood Rd, Baytown, Texas 77521.
101. Plaintiff, Cassandra M. Gonzalez, an individual, resides at 1110 Rosebay Rd, Baytown, Texas 77521.
102. Plaintiff, Otoniel Gonzalez, an individual, resides at 1403 Rosebay Rd, Baytown, Texas 77521.
103. Plaintiff, Rafael Gonzales, an individual, resides at 6907 Hazelnut Lane, Baytown, Texas 77521.
104. Plaintiff, Thalia Gonzalez, an individual, resides at 1403 Rosebay Rd, Baytown, Texas 77521.
105. Plaintiff, Abraham Gutierrez, an individual, resides at 7018 Jacktree Ln, Baytown, Texas 77521.
106. Plaintiff, Elizabeth Gutierrez, an individual, resides at 7018 Jacktree Ln, Baytown, Texas 77521.
107. Plaintiff, Jessica Gudry, an individual, resides at 1007 Paradise Rd, Baytown, Texas 77521.
108. Plaintiff, Beth Harvey Hancock, an individual, resides at 1023 Marigold Rd, Baytown, Texas 77521.
109. Plaintiff, Kyle Hanks, an individual, resides at 1214 Starflower Ln, Baytown, Texas 77521.
110. Plaintiff, Rebecca Hanks, an individual, resides at 1214 Starflower Ln, Baytown, Texas 77521.
111. Plaintiff, Gisella Harris, an individual, resides at 7038 Jacktree Ln, Baytown, Texas 77521.
112. Plaintiff, Kyle Hill, an individual, resides at 6910 White Ash Ln, Baytown, Texas 77521.

113. Plaintiff, Roni Hill, an individual, resides at 6910 White Ash Ln, Baytown, Texas 77521.
114. Plaintiff, Rosario Honeycutt, an individual, resides at 1309 Lilac Rd, Baytown, Texas 77521.
115. Plaintiff, Darrell Honeycutt, an individual, resides at 1309 Lilac Rd, Baytown, Texas 77521.
116. Plaintiff, Richard Jason Johnson, an individual, resides at 1315 Rosebay Rd, Baytown, Texas 77521.
117. Plaintiff, Thuy Phoung Johnson, an individual, resides at 1309 Rosebay Rd, Baytown, Texas 77521.
118. Plaintiff, Alias Jones, an individual, resides at 7123 Carnation Ct, Baytown, Texas 77521.
119. Plaintiff, Toni Jones, an individual, resides at 7123 Carnation Ct, Baytown, Texas 77521.
120. Plaintiff, David Keep, an individual, resides at 7006 Dahlia Rd, Baytown, Texas 77521.
121. Plaintiff, Crystal Keep, an individual, resides at 7006 Dahlia Rd, Baytown, Texas 77521.
122. Plaintiff, Maria I. Lara, an individual, resides at 1110 Rosebay Rd, Baytown, Texas 77521.
123. Plaintiff, Anthony Lara, an individual, resides at 1110 Rosebay Rd, Baytown, Texas 77521.
124. Plaintiff, Bryanna Lara, an individual, resides at 1110 Rosebay Rd, Baytown, Texas 77521.
125. Plaintiff, Ivono C. Lara, an individual, resides at 1110 Rosebay Rd, Baytown, Texas 77521.
126. Plaintiff, Stanley Larsen, an individual, resides at 6907 White Ash Ln, Baytown, Texas 77521.
127. Plaintiff, Annie Larsen, an individual, resides at 6907 White Ash Ln, Baytown, Texas 77521.
128. Plaintiff, Jennifer E. Lee, an individual, resides at 7019 Hazelnut Ln, Baytown, Texas 77521.

129. Plaintiff, Erick Lee, an individual, resides at 1107 Starflower Ln, Baytown, Texas 77521
130. Plaintiff, Gizelle D. Leed, an individual, resides at 1019 Amaryllis Rd, Baytown, Texas 77521.
131. Plaintiff, Demetrias Lister, an individual, resides at 826 Paradise Rd, Baytown, Texas 77521.
132. Plaintiff, Irene Lopez, an individual, resides at 803 Paradise Rd, Baytown, Texas 77521.
133. Plaintiff, Albino Lopez, an individual, resides at 803 Paradise Rd, Baytown, Texas 77521.
134. Plaintiff, Anyssa Lopez, an individual, resides at 6906 Scarlet Rose Circle, Baytown, Texas 77521.
135. Plaintiff, Erick Lopez, an individual, resides at 813 Paradise Rd, Baytown, Texas 77521.
136. Plaintiff, Jorge Lopez, an individual, resides at 927 Amaryllis Rd, Baytown, Texas 77521.
137. Plaintiff, Romeisha Lowry, an individual, resides at 7019 Acacia Ln, Baytown, Texas 77521.
138. Plaintiff, Alicia Macias, an individual, resides at 1002 Amaryllis Rd, Baytown, Texas 77521.
139. Plaintiff, Shonda E. Malone, an individual, resides at 1015 Amaryllis Rd, Baytown, Texas 77521.
140. Plaintiff, Larry J. Malone, an individual, resides at 1015 Amaryllis Rd, Baytown, Texas 77521.
141. Plaintiff, Gerson Martinez, an individual, resides at 1007 Amaryllis Rd, Baytown, Texas 77521.
142. Plaintiff, Leticia Martinez, an individual, resides at 1007 Amaryllis Rd, Baytown, Texas 77521.
143. Plaintiff, Erick Marquez, an individual, resides at 1318 Rose Meadow Blvd, Baytown, Texas 77521.
144. Plaintiff, Dorothy McGullam, an individual, resides at 802 Amaryllis Rd, Baytown, Texas 77521.

145. Plaintiff, Dwight McKay, an individual, resides at 7038 Jacktree Ln, Baytown, Texas 77521.
146. Plaintiff, Erika McKay, an individual, resides at 7038 Jacktree Ln, Baytown, Texas 77521.
147. Plaintiff, Tatianna McKenzie, an individual, resides at 7131 Acacia Ln, Baytown, Texas 77521.
148. Plaintiff, Marvin Midence, an individual, resides at 7018 Acacia Ln, Baytown, Texas 77521.
149. Plaintiff, Richard Menchaca, an individual, resides at 1015 Arnica St, Baytown, Texas 77521.
150. Plaintiff, Maria Menoa, an individual, resides at 7007 Acacia Ln, Baytown, Texas 77521.
151. Plaintiff, Justin Millen, an individual, resides at 6906 Scarlet Rose Circle, Baytown, Texas 77521.
152. Plaintiff, Stefani Miranda, an individual, resides at 6911 Primrose Rd, Baytown, Texas 77521.
153. Plaintiff, Brandon Miranda, an individual, resides at 6911 Primrose Rd, Baytown, Texas 77521.
154. Plaintiff, Kacey Moody, an individual, resides at 6915 Hazelnut Ln, Baytown, Texas 77521.
155. Plaintiff, Chad Montgomery, an individual, resides at 6930 Orchid St, Baytown, Texas 77521.
156. Plaintiff, Brenda Mooney, an individual, resides at 6923 Orchid St, Baytown, Texas 77521.
157. Plaintiff, Kerstin Mooney, an individual, resides at 6923 Orchid St, Baytown, Texas 77521.
158. Plaintiff, John Moore Sr., an individual, resides at 1410 Rose Meadow Blvd, Baytown, Texas 77521.
159. Plaintiff, Sheila Anahi Mora, an individual, resides at 7014 Acacia Ln, Baytown, Texas 77521.
160. Plaintiff, Marco Mora-Gomez, an individual, resides at 7014 Acacia Ln, Baytown, Texas 77521.

161. Plaintiff, Rosa Moreno, an individual, resides at 6931 Primrose Rd, Baytown, Texas 77521.
162. Plaintiff, Alma Murillo, an individual, resides at 6939 Primrose Rd, Baytown, Texas 77521.
163. Plaintiff, Ray Murphy, an individual, resides at 7007 Acacia Ln, Baytown, Texas 77521.
164. Plaintiff, Mary Nunez, an individual, resides at 6930 Orchid St, Baytown, Texas 77521.
165. Plaintiff, Richard Ochoa, an individual, resides at 1022 Arnica St, Baytown, Texas 77521.
166. Plaintiff, Nicole Ochoa, an individual, resides at 1022 Arnica St, Baytown, Texas 77521.
167. Plaintiff, Katherine Oviatt, an individual, resides at 1202 Rose Meadow Blvd, Baytown, Texas 77521.
168. Plaintiff, Allen Oviatt, an individual, resides at 1202 Rose Meadow Blvd, Baytown, Texas 77521.
169. Plaintiff, Ryan Oviatt, an individual, resides at 1202 Rose Meadow Blvd, Baytown, Texas 77521.
170. Plaintiff, Lizzette Pachico, an individual, resides at 7007 Hazelnut Ln, Baytown, Texas 77521.
171. Plaintiff, Candice Lee Parker, an individual, resides at 814 Rose Meadow Blvd, Baytown, Texas 77521.
172. Plaintiff, Eric Parker, an individual, resides at 814 rose Meadow Blvd, Baytown, Texas 77521.
173. Plaintiff, Ykethia Payne, an individual, resides at 7131 Acacia Ln, Baytown, Texas 77521.
174. Plaintiff, Delbot Payne, an individual, resides at 7131 Acacia Ln, Baytown, Texas 77521.
175. Plaintiff, Silvia Pensamiento, an individual, resides at 7018 Acacia Ln, Baytown, Texas 77521.
176. Plaintiff, Christian Perales, an individual, resides at 7118 Carnation Ct, Baytown, Texas 77521.

177. Plaintiff, Alejandra Perez, an individual, resides at 818 Rose Meadow Blvd, Baytown, Texas 77521.
178. Plaintiff, Jose R. Perez Jr., an individual, resides at 6934 Hazelnut Ln, Baytown, Texas 77521.
179. Plaintiff, Luis Pineda Jr., an individual, resides at 6910 Scarlet Rose Circle, Baytown, Texas 77521.
180. Plaintiff, Christina A. Ponce, an individual, resides at 6934 Hazelnut Ln, Baytown, Texas 77521.
181. Plaintiff, Marissa Renae Ponce, an individual, resides at 6934 Hazelnut Ln, Baytown, Texas 77521.
182. Plaintiff, Miranda Ponce, an individual, resides at 6934 Hazelnut Ln, Baytown, Texas 77521.
183. Plaintiff, Patrick Poullard, an individual, resides at 7038 Hazelnut Ln, Baytown, Texas 77521.
184. Plaintiff, Samantha Poullard, an individual, resides at 7038 Hazelnut Ln, Baytown, Texas 77521.
185. Plaintiff, Erika Quintero, an individual, resides at 902 Rose Meadow Blvd, Baytown, Texas 77521.
186. Plaintiff, Soila Patricia Garcia Quinteros, an individual, resides at 6907 Iris Ct, Baytown, Texas 77521.
187. Plaintiff, Adrian Ramirez, an individual, resides at 1318 Rose Meadow Blvd, Baytown, Texas 77521.
188. Plaintiff, Gladys Ramirez, an individual, resides at 1318 Rose Meadow Blvd, Baytown, Texas 77521.
189. Plaintiff, Eric Ramirez, an individual, resides at West Meadows Subdivision, Baytown, Texas 77521.
190. Plaintiff, Michael Ramirez, an individual, resides at 7003 Primrose Rd, Baytown, Texas 77521.
191. Plaintiff, Yesenia Ramirez, an individual, resides at 7003 Primrose Rd, Baytown, Texas 77521.
192. Plaintiff, Emily Ramos, an individual, resides at 1435 Rosebay Rd, Baytown, Texas 77521.

193. Plaintiff, Argelio Ramos, an individual, resides at 1435 Rosebay Rd, Baytown, Texas 77521.
194. Plaintiff, Kevin Reardean, an individual, resides at 1214 Starflower Ln, Baytown, Texas 77521.
195. Plaintiff, Lorena Yamileth Rios, an individual, resides at 811 Marigold Rd, Baytown, Texas 77521.
196. Plaintiff, Bernardo Rios Jr., an individual, resides at 811 Marigold Rd, Baytown, Texas 77521.
197. Plaintiff, Antonio Rodriguez, an individual, resides at 7043 Musclewood Rd, Baytown, Texas 77521.
198. Plaintiff Denise Rodriguez, an individual, resides at 7043 Musclewood Rd, Baytown, Texas 77521.
199. Plaintiff, Johnathon Rodriguez, an individual, resides at 7043 Musclewood Rd, Baytown, Texas 77521.
200. Plaintiff, Diego Rodriguez, an individual, resides at 902 Rose Meadow Blvd, Baytown, Texas 77521.
201. Plaintiff, Matthew Roberts, an individual, resides at 906 Rose Meadow Blvd, Baytown, Texas 77521.
202. Plaintiff, Monica Roberts, an individual, resides at 906 Rose Meadow Blvd, Baytown, Texas 77521.
203. Plaintiff, Jesus N. Salinas, an individual, resides at 7114 Carnation Ct, Baytown, Texas 77521.
204. Plaintiff, Juan Salinas, an individual, resides at 818 Rose Meadow Blvd, Baytown, Texas 77521.
205. Plaintiff, Claudia Villagomez Salvador, an individual, resides at 918 Marigold Dr, Baytown, Texas 77521.
206. Plaintiff, Brianda Garcia Sanchez, an individual, resides at 1322 Rose Meadow Blvd, Baytown, Texas 77521.
207. Plaintiff, Jose Sanchez, an individual, resides at 6927 Primrose Rd, Baytown, Texas 77521.
208. Plaintiff, Julia Sanchez, an individual, resides at 6927 Primrose Rd, Baytown, Texas 77521.

209. Plaintiff, Maria Sanchez, an individual, resides at 979 Marigold Rd, Baytown, Texas 77521.
210. Plaintiff, Maria Sandoval, an individual, resides at 818 Rose Meadow Blvd, Baytown, Texas 77521.
211. Plaintiff, Norelkys Lee Sanz, an individual, resides at 1107 Starflower Ln, Baytown, Texas 77521.
212. Plaintiff, Michael Scardina, an individual, resides at 1306 Lilac Circle, Baytown, Texas 77521.
213. Plaintiff, Pamela Scardina, an individual, resides at 1306 Lilac Circle, Baytown, Texas 77521.
214. Plaintiff, David Shaffer, an individual, resides at 811 Amaryllis Rd, Baytown, Texas 77521.
215. Plaintiff, Brenda Smith, an individual, resides at 1322 Rose Meadow Blvd, Baytown, Texas 77521.
216. Plaintiff, Robert E. Smith, an individual, resides at 1322 Rose Meadow Blvd, Baytown, Texas 77521.
217. Plaintiff, Kristi Smith, an individual, resides at 1523 Blossom Ln, Baytown, Texas 77521.
218. Plaintiff, George Stewart, an individual, resides at 6923 Orchid St, Baytown, Texas 77521.
219. Plaintiff, LaRhonda Taylor, an individual, resides at 6914 Iris Ct, Baytown, Texas 77521.
220. Plaintiff, Ruth Taylor, an individual, resides at 6911 White Ash Ln, Baytown, Texas 77521.
221. Plaintiff, Paula Tapia, an individual, resides at 1911 Manor Dr, Baytown, Texas 77521.
222. Plaintiff, Bianca Torres, an individual, resides at 6930 Dahlia Rd, Baytown, Texas 77521.
223. Plaintiff, Erica C. Torres, an individual, resides at 6930 Dahlia Rd, Baytown, Texas 77521.
224. Plaintiff, Katherine S. Torres, an individual, resides at 6930 Dahlia Rd, Baytown, Texas 77521.

- 225. Plaintiff, Clarisa Turca, an individual, resides at 911 Paradise Rd, Baytown, Texas 77521.
- 226. Plaintiff, Joe Turca, an individual, resides at 911 Paradise Rd, Baytown, Texas 77521.
- 227. Plaintiff, Maricela Valdez, an individual, resides at 6907 Hazelnut Lane, Baytown, Texas 77521.
- 228. Plaintiff, Alma Nidia Vasquez, an individual, resides at 1510 Rose Meadow Blvd, Baytown, Texas 77521.
- 229. Plaintiff, Yesenia Velasco, an individual, resides at 813 Paradise Rd, Baytown, Texas 77521.
- 230. Plaintiff, Baldomero Velasco, an individual, resides at 813 Paradise Rd, Baytown, Texas 77521.
- 231. Plaintiff, Trinidad Villareal, an individual, resides at 802 Amaryllis Rd, Baytown, Texas 77521.
- 232. Plaintiff, Kristina Weselka, an individual, resides at 6907 Iris Ct, Baytown, Texas 77521.
- 233. Plaintiff, Janyce White, an individual, resides at 1118 Starflower Ln, Baytown, Texas 77521.
- 234. Plaintiff, Reginald Williams, an individual, resides at 1406 Rose Meadow Blvd, Baytown, Texas 77521.
- 235. Plaintiff, Mary Williams, an individual, resides at 1406 Rose Meadow Blvd, Baytown, Texas 77521.
- 236. Plaintiff, Dennis P. Wilson, an individual, resides at 7019 Hazelnut Ln, Baytown, Texas 77521.
- 237. Plaintiff, Bryan Wilson, an individual, resides at 1419 Rosebay Rd, Baytown, Texas 77521.
- 238. Plaintiff, Catherine Wilson, an individual, resides at 1419 Rosebay Rd, Baytown, Texas 77521.
- 239. Plaintiff, Darrell Lavon Winston, an individual, resides at 1118 Starflower Ln, Baytown, Texas 77521.
- 240. Plaintiff, Isidro Yanez, an individual, resides at 7030 Hazelnut Ln, Baytown, Texas 77521.

241. Plaintiff, Tessa Yanez, an individual, resides at 7030 Hazelnut Ln, Baytown, Texas 77521.
242. Plaintiff, Juan M. Zamora, an individual, resides at 6907 Dahlia Rd, Baytown, Texas 77521.
243. Plaintiff, Alfonso Zepeda, an individual, resides at 6910 Dahlia Rd, Baytown, Texas 77521.

II.

31 Claimants – Group 2

The following 31 Claimants intend—if allowed by this Court—to join the state-court lawsuit (No. 2020-10015 pending in the 270th Judicial District Court of Harris County) filed by the above 243 Claimants to assert their claims against Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC:

1. Plaintiff, Elyse Acosta, an individual, resides at 1118 Rose Meadow Blvd, Baytown, Texas 77521.
2. Plaintiff, Paulino Acosta Jr., an individual, resides at 1118 Rose Meadow Blvd Baytown Texas 77521.
3. Plaintiff, Paulino Acosta III, an individual, resides at 1118 Rose Meadow Blvd Baytown Texas 77521.
4. Plaintiff, Maria Acosta, an individual, resides at 1118 Rose Meadow Blvd Baytown Texas 77521.
5. Plaintiff, Diana Acosta, an individual, resides at 1114 Rose Meadow Blvd Baytown Texas 77521.
6. Plaintiff, Juan Acosta, an individual, resides at 1114 Rose Meadow Blvd Baytown Texas 77521.
7. Plaintiff, Anabeth Aguirre, an individual, resides at 1411 Rosebay Rd, Baytown, Texas 77521.
8. Plaintiff, Daisy Avalos, an individual, resides at 6910 Dahlia Rd, Baytown, Texas 77521.
9. Plaintiff, Lori Denise Cabrera, an individual, resides at 6903 Hazelnut Lane, Baytown, Texas 77521.

10. Plaintiff, Bryan Corbin, an individual, resides at 7035 Hazelnut Ln, Baytown, Texas 77521.
11. Plaintiff, Ashley Corbin, an individual, resides at 7035 Hazelnut Ln, Baytown, Texas 77521.
12. Plaintiff, Laurie Criswell, an individual, resides at 814 Rose Meadow Blvd, Baytown, Texas 77521
13. Plaintiff Katrina Desilva, an individual, resides at 1002 Rose Meadow Blvd, Baytown, Tx 77521.
14. Plaintiff, Gregory W. Edwards III, an individual, resides at 7007 Primrose Road, Baytown, Texas 77521.
15. Plaintiff Steven Holub, an individual, resides at 1002 Rose Meadow Blvd., Baytown, Texas 77521.
16. Plaintiff, Barbara LaVigne, an individual, resides at 1118 Starflower Ln, Baytown, Texas 77521.
17. Plaintiff, Irene Lopez, an individual, resides at 803 Paradise Road, Baytown, Texas 77521.
18. Plaintiff, Linda Mitchell, an individual, resides at 923 Paradise Road, Baytown Texas 77521.
19. Plaintiff, Charles Mitchell, an individual, resideis at 923 Paradise Road, Baytown Texas 77521.
20. Plaintiff, Demetrice Phillip, an individual, resides at 827 Marigold Rd, Baytown Texas 77521.
21. Plaintiff, Gerald Phillip, an individual, resides at 827 Marigold Rd, Baytown Texas 77521.
22. Plaintiff, Michael Scardina, III, an individual, resides at 1306 Lilac Circle, Baytown, Texas 77521.
23. Plaintiff, Sharon Siverand, an individual, resides at 1018 Arnica Street, Baytown, Texas 77521.
24. Plaintiff, Michael Siverand, an individual, resides at 1018 Arnica Street, Baytown, Texas 77521.
25. Plaintiff, Sara Smallwood, an individual, resides at 7031 Musclewood Rd, Baytown, TX 77521.

26. Plaintiff, Gayle Smallwood, an individual, resides at 7031 Musclewood Rd, Baytown, TX 77521.
27. Plaintiff, Lisa Vanhook (Dorsey), an individual, resides at 1026 Rose Meadow Blvd, Baytown, Texas 77521.
28. Plaintiff, Margit Williams, an individual, resides at 1019 Arnica Street, Baytown, Texas 77521.
29. Plaintiff, James Williams, an individual, resides at 1019 Arnica Street, Baytown, Texas 77521.
30. Plaintiff, Tony E. Williams, an individual, resides at 7007 Primrose Road, Baytown, Texas 77521.
31. Plaintiff, Rayjean Williams, an individual, resides at 7007 Primrose Road, Baytown, Texas 77521.

II.

The State Court Claims

Claimants are seeking to recover in state court, by jury trial, for damages they sustained based on the facts and theories asserted in the attached *Plaintiffs' First Amended Original Petition* (see Exhibit A). On February 12, 2020, the 243 Claimants filed their *Plaintiffs' First Original Petition*. On March 19, 2020, this Court signed its *Initial Order On Complaint for Limitation or Exoneration of Liability*, which “stayed, restrained, and enjoined” the 243 Claimants and the 31 Claimants from pursuing their state court claims against Petitioners. All of the claims are interrelated and arise out of the barges that allided with the I-10 bridge on September 19 or 20, 2020. In the state-court proceedings the 274 Claimants seek to recovery against Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC. In this regard, the Claimants allege as their theories of recovery on pages 31-32 of their amended petition (which will be filed in state court if this Court lifts its injunction) as follows:

Based upon the foregoing facts, Plaintiffs sue Defendants for negligence. The allision could have been avoided by Defendants exercising ordinary care, caution, and maritime skill, which Defendants failed to do. The allision could have been avoided by Defendants complying with local maritime customs or usages, which Defendants failed to do. Defendants were the custodians of the barges which broke away and allided with the bridge causing the damage complained of herein, and therefore, Defendants are presumed to have been negligent which thereby places on Defendants the burden of disproving their presumed fault. Plaintiffs will show that (1) Defendants had a legal duty to exercise ordinary care, caution, and maritime skill, comply with local maritime customs and usages, use all reasonable means and take proper action to guard against, prevent or mitigate the damages posed by the storm, insure the barges were adequately moored, insure personnel were present at the fleet of barges, periodically inspect the moorings that secured the barges, use lines and mooring equipment of a sufficient number and size to secure the barges, and/or adjust the moorings in the face of changing conditions; (2) Defendants breached their duty and/or duties; and (3) Plaintiffs damages were proximately caused by the breach or breaches. Regarding the above alleged duties, breaches, and causation, Defendants are vicariously liable to Plaintiffs for the negligent acts and/or omissions of their personnel, employees, agents and/or officers.

III.

Claimants' Right to Proceed in State Court by Jury Trial

Petitioners allege on page 5 of their *Verified Complaint for Exoneration or Limitation of Liability* that “any damages claimed as a result [of the barges alliding with the I-10 bridge] were in no way caused or contributed to by any fault, neglect or want of due care on the part of Petitioners.” Claimants, however, under the “saving to suitors” clause in the Judiciary Act of 1789, § 9, 1 Stat. 76 (codified, as amended, at 28 U.S.C. § 1333), are entitled to have these allegations decided in state court because they seek *in personam* remedies—they do not seek *in rem* remedies. *Offshore Logistics, Inc. v. Tallentire*, 477 U.S. 207, 222 (1986); *Romero v. Int’l Terminal Op. Co.*, 358 U.S. 354, 370 (1959); *Madriga v. Superior Court*, 346 U.S. 556, 560-561 (1954); *Stier v. Reading*

& *Bates Corp.*, 992 S.W.2d 423, 428-429 (Tex. 1999). Under these circumstances, this Court should lift its March 19, 2020 injunction for Claimants to obtain a final judgment on the issues of liability and damages in the state court proceeding. *Lewis v. Lewis & Clark Marine, Inc.*, 531 U.S. 438, 453-454 (2001). After that has occurred, this Court should then make a determination of whether Petitioners are entitled to limit their liability under the Limitation of Liability Act, and if so, what pro rata apportionment, if any, should be made with other claimants.¹ *Id.* By taking this course of action, this Court preserves Claimants' right to adjudicate their claims of liability and damages by jury in state court and Petitioners' right to adjudicate their claim of limitation of liability in federal court. *Id.*

IV.

Petitioners' Right to Limitation of Liability

To be entitled to relief under the Limitation of Liability Act, Petitioners must (1) be owners of the vessels that allided with the I-10 bridge, and (2) the allision with the I-10 bridge must have occurred without Petitioners "privity and knowledge." 46 U.S.C. § 30505(b). Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC are not entitled to relief under the Limitation of Liability Act because (1) they are not owners of the barges

¹ In addition to this case and Claimants' state-court case, there are 3 other ongoing proceedings regarding the I-10 bridge allision:

- (1) No. 4:20-cv-868, styled *Texas Department of Transportation v. Canal Barge Co., Inc.*, pending in the United States District Court, Southern District of Texas, Houston Division;
- (2) No. 4:20-cv-964, styled *In the Matter of Canal Barge Company, Inc.*, pending in the United States District Court, Southern Division of Texas, Houston Division; and
- (3) No. 4:20-cv-983, styled *In the Matter of Ingram Barge Company*, pending in the United States District Court, Southern District of Texas, Galveston Division.

that allided with the I-10 bridge; and (2) the allision with the I-10 bridge occurred *with* Petitioners “privity and knowledge” in that they were negligent as described in Plaintiff’s Amended Petition.

V.

Answer to Verified Complaint and Petition

In response to the allegations contained in the *Verified Complaint for Exoneration from or Limitation of Liability* filed by Petitioners, Claimants answer and aver as follows:

1. Claimants admit that this Court has Jurisdiction as alleged in Paragraph 1 except that this Court should allow Claimants to adjudicate their liability and damages claim in state court after which time this Court should then apply the Limitation of Liability Act to limit the state court award, if any award is made, so as to protect Petitioners’ rights under the Limitation of Liability Act. In this regard, Claimants stipulate that any award obtained from the state court proceeding is not enforceable until the federal courts have completed adjudicating the application of the Limitation of Liability Act’s application to Petitioners. Moreover, Claimants stipulate that, if Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC are owners of a vessel relevant to the application of the Limitation of Liability Act, the federal court has exclusive jurisdiction over the limitation proceeding, and that the Claimants will not seek to enforce a damage award greater than the value of the vessel(s) and its(their) freight until the vessel’s right to limitation has been determined by the federal court.

2. Claimants admit venue is proper as alleged in Paragraph 2, subject to the caveat stated in Paragraph 1 of this answer.

3. Claimants —

- a. Lack information regarding the allegations in Paragraph 3.a. and deny same.
- b. Lack information regarding the allegations in Paragraph 3.b. and deny same.
- c. Admit Paragraph 3.c. to the extent it alleges Cheryl K, LLC is organized under the laws of the State of Texas with its registered office located in Harris County, Texas. Complainants deny the remainder of the allegations in Paragraph 3.c.
- d. Admit Paragraph 3.d. to the extent it alleges San Jacinto River Fleet, LLC is organized under the laws of the State of Texas with its registered office located in Harris County, Texas. Complainants deny the remainder of the allegations in Paragraph 3.d.

4. Claimants lack information or belief as to the allegations in Paragraph 4 and deny same.

5. Claimants lack information or belief as to the allegations in Paragraph 5 and deny same.

6. Claimants admit that there was a breakaway of nine barges from the San Jacinto River Fleet north of the I-10 bridge over the San Jacinto River during Tropical Storm Imelda on September 19 or 20, 2019. Claimants deny the remainder of the allegations in Paragraph 6.

7. Claimants admit that Petitioners, pursuant to 46 U.S.C. § 30501 *et seq.* and Rule F of the Supplemental Admiralty Rules, are required to furnish security for costs but lack information or belief as to whether they have done so and on that basis deny the remaining allegations of Paragraph 7.

8. Claimants lack information or belief as to the allegations in Paragraph 8 and deny same.

9. Claimants lack information or belief as to the allegations in Paragraph 9 and deny same.

10. Claimants admit that there was a breakaway of nine barges from the San Jacinto River Fleet north of the I-10 bridge over the San Jacinto River during Tropical Storm Imelda on September 19 or 20, 2019. Claimants deny the remainder of the allegations in Paragraph 10.

11. Claimants admit that Petitioners, pursuant to 46 U.S.C. § 30501 *et seq.* and Rule F of the Supplemental Admiralty Rules, are required to furnish security for costs but lack information or belief as to whether they have done so and on that basis deny the remaining allegations of Paragraph 11.

12. Claimants admit the subject allision occurred on the navigable waters of the San Jacinto River in the San Jacinto River fleeting area of Harris County, Texas on September 19 or 20, 2020. Claimants deny the remainder of the allegations in Paragraph 12.

13. Claimants deny the allegations in Paragraph 13.

14. Claimants deny the allegations in Paragraph 14.

15. Claimants deny that San Jacinto River Fleet, LLC did not cause or contribute to the subject incident and damages. Claimants lack information or belief as to the allegations related to the Tug JB Bloomer, LLC and the Tug Cheryl K, LLC in Paragraph 15 and deny same.

16. Claimants lack information or belief as to the remaining allegations in Paragraph 16 and deny same.

17. Claimants lack information or belief as to the remaining allegations in Paragraph 17 and deny same.

18. Claimants deny that the subject incident and damages was without fault, privity, or knowledge of San Jacinto River Fleet, LLC. Claimants lack information and belief as to the allegations related to the Tug JB Bloomer, LLC and the Tug Cheryl K, LLC in Paragraph 18 and deny same.

19. Claimants deny that the allegations as they relate to San Jacinto River Fleet, LLC. Claimants lack information and belief as to the allegations related to the Tug JB Bloomer, LLC and the Tug Cheryl K, LLC in Paragraph 19 and deny same.

20. Claimants admit that this Court has jurisdiction over the portion of this case as an admiralty and maritime claim, but only insofar as it deals with the Limitation of Liability Act, within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure; that is, Claimants believe, or the reasons stated in Paragraph 1 of this Answer, that they are entitled to have liability and damages adjudicated in state court subject to Claimants stipulation that after a final judgment is obtained state court that this Court retains jurisdiction to enter a final judgment after applying the Limitation of Liability Act. Otherwise, Claimants deny the remainder of the allegations of Paragraph 20.

21. To the extent a response is required, Claimants deny that Petitioners are entitled to the relief claimed in the prayer, including without limitation items (1) through (6).

22. Claimants demand a jury trial.

Prayer

Claimants request the Court to lift its March 19, 2020 injunction for proceeding for Claimants to obtain a final judgment on the issue of liability in the state court proceeding, and after that has occurred, to make a determination of whether Petitioners are entitled to limit their liability under the Limitation of Liability Act, and if so, determine what pro rata apportionment, if any, should be made with other claimants, and otherwise enter a final judgment in favor of Claimants and against Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC consistent with the state court judgment but also taking into consideration the rights of Petitioners San Jacinto River Fleet, LLC and Cheryl K, LLC under the Limitation of Liability Act, if any.

Respectfully submitted,

/Timothy A. Hootman

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ATTORNEY FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document via the CM/ECF system, which will in turn send electronic notice of such filing to all counsel of record.

Dated: April 28, 2020.

/s/Timothy A. Hootman

Timothy A. Hootman